

IN THE DISTRICT COURT OF THE UNITED STATES  
EASTERN DISTRICT OF PENNSYLVANIA

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MICHAEL MILLER

Plaintiff,

v.

COUNTY OF LANCASTER, *et al.*,

Defendants.

Civ. No.: 5:24-cv-05338-JFL

Judge Joseph F. Leeson, Jr.

**PLAINTIFF’S MOTION TO STAY OR SUSPEND THE APRIL 4, 2025  
DEADLINE TO FILE A SECOND AMENDED COMPLAINT PENDING  
RULING ON POST-JUDGMENT MOTIONS**

Plaintiff respectfully moves the Court to stay or suspend the April 4, 2025 deadline set forth in the Court’s March 7, 2025 Order (ECF No. 36), which directed Plaintiff to file a Second Amended Complaint as to certain claims, pending resolution of Plaintiff’s post-judgment motions currently before the Court. In support of this motion, Plaintiff states:

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**1. Multiple Post-Judgment Motions Remain Unresolved.**

Plaintiff’s Motion for Vacatur (ECF No. 39), Motion to Clarify and Correct Rule 12 Standards (ECF No. 44), and Rule 60(a) Motion for Supplemental Procedural Findings (ECF No. 50) remain pending. Each of these motions raises material

procedural defects that impact the validity, interpretation, and scope of the Court's March 7, 2025 dismissal.

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## **2. Enforcement of the April 4 Deadline Would Cause Irreparable Procedural Harm.**

Enforcing a repleading deadline without resolving pending Rule 60 and Rule 12(d) objections would:

- Create a coerced amendment under unresolved standards
- Risk waiver of preserved objections
- Obscure the procedural and jurisdictional posture of this litigation

This contradicts basic due process principles and undermines the purpose of Rules 60 and 52(b), as well as Rule 1's directive to ensure "just" proceedings.

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## **3. Plaintiff Has Properly Preserved Objections.**

Plaintiff has filed:

- Notice Preserving Objection to April 4 Deadline (ECF No. 43)

- Notice Preserving Objection to Judicial Impartiality and Jurisdiction (ECF No. 46)
- Notice Preserving Objection to Procedural Irregularities and Constitutional Deprivation (ECF No. 47)

These filings confirm that Plaintiff does not waive any rights by withholding an amended complaint while the dispositive issues remain pending.

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#### **4. No Prejudice to Defendants; Interests of Justice Support a Stay.**

Defendants face no prejudice from a limited stay. In contrast, Plaintiff would suffer severe procedural harm by being forced to replead under unresolved, contested standards. A stay would promote efficiency, reduce unnecessary litigation, and protect the integrity of the record.

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WHEREFORE, Plaintiff respectfully requests that this Court:

1. Stay or suspend the April 4, 2025 amendment deadline pending the Court's resolution of Plaintiff's post-dismissal motions (Docs. #39, #44, #50);
2. Clarify that no claims will be deemed waived or dismissed based on failure to amend while those motions remain pending; and

3. Grant any further relief the Court deems just and proper.

Respectfully submitted,

/s/ Michael Miller

Michael Miller  
108 N. Reading Road, F, 246  
Ephrata, Pennsylvania 17522  
[reaganfive@protonmail.com](mailto:reaganfive@protonmail.com)  
717-388-0163

Dated: March 27, 2025

## CERTIFICATE OF SERVICE

I hereby certify that I caused to be served by e-filing a true and correct copy of the foregoing document to the following:

Sarah Hyser-Staub PA I.D. No. 315989  
Lauren Anthony, PA I.D. No. 324557  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166  
717-232-8000  
[ssaub@mcneeslaw.com](mailto:ssaub@mcneeslaw.com)  
[lanthony@mcneeslaw.com](mailto:lanthony@mcneeslaw.com)

*Attorneys for Defendants*

Respectfully Submitted,

/s/ Michael Miller  
Michael Miller  
108 N. Reading Rd., Ste F, 246  
Ephrata, Pennsylvania 17522  
717-388-0163  
[reaganfive@protonmail.com](mailto:reaganfive@protonmail.com)

Dated: March 27, 2025